

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,) 8:18CR164
vs.) MOTION TO SUPPRESS SEARCH
JASON OSBORNE,) AND SEIZURE AND
Defendant.) REQUEST FOR EVIDENTIARY

COMES NOW, the Defendant, Jason Osborne, by and through the undersigned counsel and respectfully moves for an Order Suppressing evidence obtained during the search and seizure of a 1999 Jeep Cherokee SUV. In support of this Motion the Defendant shows to the Court as follows:

1. Defendant stands charged in the instant matter with one count of being a felon in possession of a firearm.
2. On or about March 10, 2018 officers of the Omaha Police Department were called to the area of an apartment complex located 3206 North 121st Plaza, Omaha, NE about a possible domestic disturbance.
3. The report to police indicated that the victim was identified as Skylar. The victim identified that her ex-boyfriend, Jason Osborne, was banging on the door and refused to leave. The report further indicated that the ex-boyfriend was outside the building in a White Jeep Cherokee.

4. Upon arrival Officer Jeremy Zipay indicated he observed a legally parked White Jeep Cherokee with a white male sitting in the driver seat. The vehicle was not idling nor was the engine otherwise engaged.

5. Defendant was detained from the time police first observed him in the parking lot of the apartment complex.

6. Defendant relayed to the officer that his brother had been driving the vehicle and that he had been a passenger in the vehicle. Defendant reported he did not have the keys to the vehicle.

7. A records check conducted on the Defendant revealed that he had a suspended driver's license.

8. A check of the registration of the vehicle indicated the registered owner of the vehicle, who Defendant identified as the girlfriend of his brother.

9. The vehicle was not reported as a stolen vehicle and was legally parked in the apartment parking lot.

10. After indicating to the alleged victim that Defendant had not committed a crime for which he could be arrested, Officer Zipay proceeded to search the 1999 Jeep Cherokee allegedly for purposes of impounding the vehicle for safekeeping.

11. The search of the vehicle was conducted in spite of the fact, the vehicle had not been reported stolen, was legally parked, Defendant had correctly identified the vehicle's registered owner, Defendant indicated he had not driven the vehicle, and Defendant did not have keys to the vehicle.

12. During the search, a black firearm was located under the driver's seat.

13. Defendant avers that law enforcement did not have sufficient probable cause or any basis at all to search and seize the 1999 Jeep Cherokee and that the fruits of the search and seizure must be suppressed.

14. An evidentiary hearing is requested.

WHEREFORE, the Defendant prays for a hearing on the Motion and an Order suppressing the March 10, 2018 search and seizure of the 1999 Jeep Cherokee.

Jason Osborne,
Defendant,

By s/Julie A. Frank

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CERTIFICATE OF SERVICE

I hereby certify that on August 29. 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent information of such filing to the following: Dwight Artis, Jr.

s/Julie A. Frank
Julie A. Frank, #15945
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